

CLASSIFICATION CONFIDENTIAL **CONFIDENTIAL**
 CENTRAL INTELLIGENCE AGENCY
 INFORMATION FROM
 FOREIGN DOCUMENTS OR RADIO BROADCASTS

REPORT

50X1-HUM

CD NO.

COUNTRY Czechoslovakia
 SUBJECT Political - Judicial organization
 HOW PUBLISHED Monthly periodical
 WHERE PUBLISHED Warsaw
 DATE PUBLISHED Feb 1950
 LANGUAGE Polish

DATE OF INFORMATION 1950

DATE DIST. 12 Mar 1951

NO. OF PAGES 3

SUPPLEMENT TO REPORT NO.

THIS DOCUMENT CONTAINS INFORMATION AFFECTING THE NATIONAL DEFENSE OF THE UNITED STATES WITHIN THE MEANING OF ESPIONAGE ACT 80 U. S. C. 31 AND 32, AS AMENDED. ITS TRANSMISSION OR THE REVELATION OF ITS CONTENTS IN ANY MANNER TO AN UNAUTHORIZED PERSON IS PROHIBITED BY LAW. REPRODUCTION OF THIS FORM IS PROHIBITED.

THIS IS UNEVALUATED INFORMATION

SOURCE Przeglad Ustawodawstwa Gospodarczego.THE CZECHOSLOVAK JUDICIAL SYSTEM

According to the Czechoslovak Constitution of 9 May 1948 and the Law on the Organization of the Judiciary of 22 December 1948, the judicial system in Czechoslovakia is organized as follows.

A. Ordinary Courts

District and okres courts, the State Tribunal, and the Supreme Court are considered as ordinary courts.

1. District Courts

These courts handle in principle all civilian and criminal cases in the first instance provided they did not come or will not come under the jurisdiction of other courts. The district courts are the cornerstone of the entire Czechoslovak judicial setup. They are composed of a chairman who is a professional judge and of two assessor judges. The latter are elected every 2 years by the people. Requisites for eligibility as assessor judge are full citizenship, 30 to 60 years of age, and devotion to the regime. Sentences of the district courts are meted out by taking votes; a simple majority of votes decides.

Exceptions to the above, involving different numbers of judges, are the following: (a) special civilian cases, claims, inheritances, and mortgages will be handled by one professional judge, and (b) criminal cases for which the law provides more than 10 years of imprisonment will be handled by five judges, two of whom are professional and three assessor judges.

Appeals from district courts to okres courts should be made within 15 days from the day of the sentence. There will be one district court for approximately every 50,000 inhabitants.

2. Okres Courts

These courts will have two functions:

- 1 -

CONFIDENTIAL

CLASSIFICATION		CONFIDENTIAL		DISTRIBUTION							
STATE	<input checked="" type="checkbox"/>	NAVY	<input checked="" type="checkbox"/>	NSRB							
ARMY	<input checked="" type="checkbox"/>	AIR	<input checked="" type="checkbox"/>	FBI							

CONFIDENTIAL

CONFIDENTIAL

50X1-HUM

a. As courts of the first instance when the amount of money under litigation exceeds 15,000 crowns and when one of the sides is a government enterprise. They will also handle social security cases.

b. As courts of the second instance for appeals from sentences passed by the district courts.

Okres Courts are composed of:

a. One professional judge and two elected assessor judges in cases of the first instance.

b. Two professional judges and three elected assessors in cases of the second instance.

There will be one okres court for every 600,000 inhabitants.

3. State Tribunal

The state tribunal has its seat in Prague. It handles in the first instance crimes committed against the state which are punishable by the death penalty or by imprisonment for a period of over 10 years. The state tribunal judges civilian as well as military persons. It is composed of a chairman, two professional judges, and two assessor judges. If the defendant is a military person, the professional judge is to be a military judge and the assessor judges are to be military in reserve.

4. Supreme Court

The Supreme Court has its seat in Brno. It is a court of appeal from: (a) sentences passed by district courts in the first instance, and (b) sentences passed by the state tribunal.

The Supreme Court also handles final appeals from sentences passed by all courts in the second instance. Only the Attorney General has the right of appeal to the Supreme Court when and if provisions of formal or material law have been violated. The Supreme Court will not pass new sentences but will merely pass judgment as to the validity of the appeal, and possibly nullify the sentence and transmit the entire case to a court of the first instance for new consideration. There will be no right of appeal from the new sentence meted out by the court of the first instance.

The Supreme Court will be composed of:

a. Two professional judges and three elected assessor judges to handle ordinary appeals.

b. Three professional judges and three elected assessor judges for ordinary final appeal cases.

c. Three Supreme Court judges and military Supreme Court judges for appeals from the state tribunal.

B. Extraordinary Courts

These courts are considered as an exception, since in principle all cases are to be handled by ordinary courts. Maritime courts, among others, may be considered as extraordinary courts, by the law of 27 January 1923. They will handle lawsuits demanding compensation for damages caused by vessels on the Elbe River.

- 2 -

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

50X1-HUM

C. Courts of Arbitration

These courts are of voluntary choice to litigants as provided for by the Code of Civil Procedure. They are obligatory for state enterprises as provided for by the law of 1948 (Law Gazette, No 278).

All other special courts and courts of arbitration (for instance, the Court for Social Security Cases) have been eliminated in order to simplify and render more democratic the judiciary system of the Czechoslovak Republic.

- E N D -

- 3 -

CONFIDENTIAL

CONFIDENTIAL